



12-214

## Declaration for Patent Application

#5

Docket Number: 0652.2280001/EKS/AES

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: **Tumorassoziertes Antigen (B345)**.

the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on July 6, 2001;  
as United States Application Number 09/899,569.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

### Prior Foreign Application(s)

### Priority Claimed

DE 100 33 080.0  
(Application No.)

Germany  
(Country)

07/07/2000  
(Day/Month/Year Filed)

☒ Yes ☐ No

DE 101 19 294.0  
(Application No.)

Germany  
(Country)

19/04/2001  
(Day/Month/Year Filed)

☒ Yes ☐ No

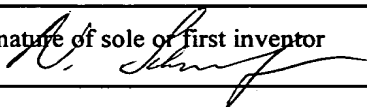
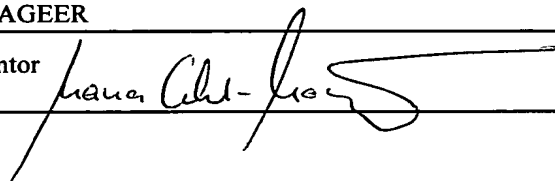

Send Correspondence to:


STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

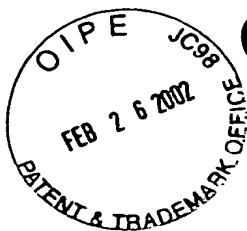
Full name of sole or first inventor Norbert SCHWEIFER	
Signature of sole or first inventor x 	Date x 4. Dec. 2001
Residence Wien, AUSTRIA	
Citizenship Austria	
Mailing Address Herzmanskystrasse 20/2/5, A-1140 Wien, AUSTRIA	
Full name of second inventor Marwa SCHERL-MOSTAGEER	
Signature of second inventor x 	Date x 04.12.2001
Residence Wien, AUSTRIA	
Citizenship Austria and Egypt	
Mailing Address Glockengasse 21/1/4, A-1020 Wien, AUSTRIA	
Full name of third inventor Wolfgang SOMMERGRUBER	
Signature of third inventor x 	Date x 04.12.2001
Residence Purkersdorf, AUSTRIA	
Citizenship Austria	
Mailing Address Linzerstrasse 19, Haus 4, A-3002 Purkersdorf, AUSTRIA	

Full name of fourth inventor Roger ABSEHER	
Signature of fourth inventor x 	Date x 11-12-2001
Residence Wien, AUSTRIA	
Citizenship Austria	
Mailing Address Schlossgasse 15/16, A-1050 Wien, AUSTRIA	

P:\USERS\ANN\Angela\0652\0652.2280001\declaration  
SKGF Rev. 5/16/01 mac

(Supply similar information and signature for subsequent joint inventors, if any)

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## POWER OF ATTORNEY FROM ASSIGNEE

MAC Reg No 33851  
Boehringer Ingelheim International GmbH, a corporation of Germany, having a principal place of business at Binger Straße 173, D-55216 Ingelheim am Rhein, GERMANY, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on (1) Dec 4, 2001 (2) Dec 4, 2001 (3) Dec 4, 2001 (4) Dec 11, 2001 of an invention known as Tumorassoziertes Antigen (B345) (Attorney Docket No. 0652.2280001/EKS/AES), which is disclosed and claimed in a patent application of the same title by the inventors (1) Norbert SCHWEIFER; (2) Marwa SCHERL-MOSTAGEER; (3) Wolfgang SOMMERGRUBER; and (4) Roger ABSEHER (said application filed on July 6, 2001 at the U.S. Patent and Trademark Office, having Application Number 09/899,569).

The Assignee hereby appoint the U.S. attorneys associated with **CUSTOMER NUMBER 28393** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; and Linda E. Alcorn, Esq., Reg. No. 39,588. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
U.S.A.

Direct phone calls to 202-371-2600.

## BOEHRINGER INGELHEIM INTERNATIONAL GMBH

FOR: ☒ ppa. ☐ i.v.

SIGNATURE: ☒ Dieter Marion

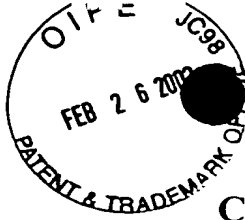
BY: ☒ Dr. Dieter LAUDIEN

Marion HOSS

TITLE: ☒ Head of Patent Division

Authorised person of Patent Division

DATE: ☒ January 10, 2001



12-214

# Certificate Under 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: SCHWEIFER et al.

Application No./Patent No.: 09/899,569 Filed/Issue Date: July 6, 2001

Entitled: Tumorassoziertes Antigen (B345)

Boehringer Ingelheim International GmbH

(Name of Assignee)

, a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: ☒ January 10, 2001

Name: ☒ Dr. Dieter LAUDIEN

Title: ☒ Head of Patent Division

Signature: ☒ [Signature]

09899569-022600

## ASSIGNMENT

DO NOT FORWARD  
TO ASSIGNMENT BRANCH  
NOT FOR RECORDATION

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: (1) Norbert SCHWEIFER; (2) Marwa SCHERL-MOSTAGEER; (3) Wolfgang SOMMERGRUBER; and (4) Roger ABSEHER, the undersigned inventors hereby sell and assign to Boehringer Ingelheim International GmbH (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),  
☒ and throughout the world,

MA (Reg. No. 33851)

(a) in the invention(s) known as Tumorassoziertes Antigen (B345) for which application(s) for patent in the United States of America has (have) been executed by the undersigned on (1) 4 Dec 2001 (2) Dec 4, 2001 (3) Dec. 4, 2001 (4) Dec. 11, 2001 (also known as United States Application No. 09/899,569, filed July 6, 2001), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.


The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.


The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

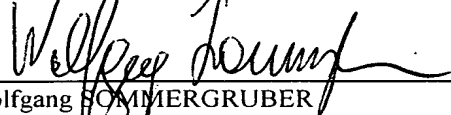
The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimballa, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire,

Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; and Linda E. Alcorn, Esquire, Registration No. 39,588; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

Date: 4. Dec. 2001 Signature of Inventor:   
Norbert SCHWEIFER

Date: 04.12.2001 Signature of Inventor:   
Marwa SCHERL-MOSTAGEER

Date: 04.12.2004 Signature of Inventor:   
Wolfgang SOMMERGRUBER

Date: 11.12.2001 Signature of Inventor:   
Roger ABSEHER

09899569-022602